

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

September 14, 2016  
9:00 a.m.

**Members present:** Chairman Gilbert, Councilors: Beaurivage, Boisvert, Butler, Clark, Henderson, Hinds, and O'Brien

**Members absent:** Councilors: Gegas, Hardy, Joubert, Rawnsley, and Tremblay

Also present was Carolyn Guerdet, Council Clerk

Chairman Gilbert called the meeting to order at 9:03 a.m. with introductions of Council members.

### **1. Approval of Minutes of the July 13, 2016 Meeting**

- ***Councilor Butler made a motion to accept the minutes of the July 13, 2016, second by Councilor Hinds. Motion passed unanimously.***

### **2. Status of Appeals**

Peter Demas, presented an update on the following appeals:

I. New Appeals
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II. Decision and Orders that need to be written finalized and issued.
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#### **Dockets No. 12-01 WC – David Sundman, et al.**

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb.9, 2012. (See Sept. 2015 minutes for full list of filings.) September 9, 2015 received Motion to Compel. 9/16/15 received Objection to Motion to Compel. 9/16/15 received Appellants' and State's Witness and Exhibit Lists. 9/17/15 issued order on Motion to Compel. 9/17/15 received Appellant's Assented-To Motion to Compel Responses to Discovery Requests. 9/21/15 received Intervenor's Witness and Exhibit List. 9/24/15 received Request that Assented-To Motion to Compel Responses be taken up at PHC. October 14, 2015 issued Pre-Hearing Order with hearing scheduled for Feb. 10, 2016 at 9 a.m. 10/22/15 received Site Visit Report and Second Amended Notice of Appeal. December 23, 2015 received Appellants' Amended Witness and Exhibit Lists. January 4, 2016 received State's Amended Witness and Exhibit List. February 10<sup>th</sup> and 11<sup>th</sup>, 2016 the Hearing and Deliberations were held. Decision to be issued within 90 days (5/11/16). June 8, 2016 issued Decision and Order remanding Notice of Appeal. July 8, 2016 received State's Motion for Reconsideration. 7/13/16 Council voted to table Motion for Reconsideration until their September meeting. 7/14/16 received Objection to Motion for Reconsideration.

- ***Councilor Butler made a motion to disapprove the State's Motion for Reconsideration, second by Councilor Hinds. Discussion was held. Motion passed four ayes, one nay and three abstaining.***

**Docket No. 16-10 WC (PNA) – Town of Lincoln Appeal**

Re: 5/20/16 Administrative Order No. 16-012 WD

Hearing Officer: Not assigned

Status: June 17, 2016 received Notice of Appeal. 6/20/16 issued receipt of Appeal letter.

Council accepted the appeal at their July 13, 2016 meeting. 7/13/16 issued Appeal accepted letter. 7/29/16 received Appearance from Attorney General.

**III. Hearings or PHCs Pending**

**IV. Inactive/Status Letter or Pending Settlement/Withdrawal**

**3. New Business**

- b. Drinking Water Primacy Amendments (Env-Dw 403, 701, 714, 717, 720, and 1207-1210)  
Holly Green, Rulemaking Coordinator; Chip Mackey, Water Quality Manager; Cynthia Klevens, Water Treatment Engineer.

This was an over view of amendments to retain our drinking water primacy. The draft of these changes is in the legal unit at this time.

Revised Total Coliform Rule:

NH was the first in the nation to implement this rule 18 months ago. US EPA has asked NH to make the following changes for the lead rule and to the revised total coliform rule:

1. Add a sentence to give primacy.
2. Privately owned redistribution systems regulations were included.
3. Criteria for systems to go on reduced monitoring.

Lead:

EPA reviewed each state's rules. Changes EPA wants:

1. Breakout large water system requirements to comply with corrosion control requirements.
2. 2011 Federal Lead Reduction, 8% of lead was lowered to .25% in 2014.
3. All water systems should have an inventory of piping materials.
4. Optimal corrosion control – this wording to be used instead of optimize.

Questions and comments were addressed from the Council members.

- a. Env-Wq 2102 Water Use Reporting and Registration  
Holly Green, Rulemaking Coordinator and Stacey Herbold, Water Use and Conservation

Rules expire on September 23<sup>rd</sup>. There will be an opportunity for the Council to comment during the public comment period.

700 registered water users in the State use over 7,000 gallons in a day.

Changes are to align deadlines, create a new application, and collection of and reporting water use data.

Questions were addressed from the Council members.

c. EPA MS4 General Permit Discussion

Ted Diers, Watershed Bureau Administrator, Jeff Andrews, Wastewater Engineering Permits, Tracy Woods, Administrator of Wastewater Engineering Bureau, and Stergios Spanos, Permits and Compliance

Municipal Separate Storm Sewer System = MS4

This is an EPA permit and DES is not responsible for enforcement of this permit. 61 communities are MS4 regulated by virtue of census determination in an urbanized zone. About 10 – 20 communities have received waivers. Regulated communities must show they have a program that is dealing with stormwater. It's the DPWs within the communities that are doing the majority of this work. There are now three Stormwater Coalitions: Manchester Coalition, Nashua Coalition, and Seacoast Coalition. DES, along with other organizations, is providing assistance to the communities. Six minimum control measures:

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

TMDLs and Impaired Waters

- More monitoring
- More planning
- Specific actions
- Best Management Practices

5. **Next Meeting**

October 12, 2016 at 9 a.m. with an update on the New Hampshire drought.

6. **Adjournment**

- ***Councilor Butler made a motion for adjournment, second by Councilor Beaurivage. Motion passed unanimously.***

Meeting adjourned at 10:58 a.m.